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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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11 MAURICE BROWN, an individual,
12
13 Plaintiff,

14 v.

15 MERS, INC.; NBS DEFAULT
16 SERVICES, LLC; and WELLS FARGO
BANK, N.A., et al.; and DOES 1 to 50,
inclusive

17 Defendants.
18

Case No. 5:17-cv-0654-ODW-SP

**ORDER TO SHOW CAUSE RE
LACK OF SUBJECT MATTER
JURISDICTION**

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20 On April 6, 2017, Plaintiff Maurice Brown filed this action pro se against
21 Defendants MERS, Inc. (“MERS”), NBS Default Services, LLC (“NBS”), and Wells
22 Fargo Bank, N.A. (“Wells Fargo”). (Compl., ECF No. 1.) Plaintiff alleges that
23 Defendants violated mortgage company loan procedures and seeks title to certain real
24 property, along with monetary and punitive damages. (Compl. 4–5.) Plaintiff also
25 asserts that this Court has subject matter jurisdiction pursuant to 28 U.S.C. section
26 1332, which provides federal courts with jurisdiction over cases where the parties are
27 completely diverse. (*See* Compl. 3.)
28

1 Federal courts are courts of limited jurisdiction that may hear cases only as
2 authorized by the U.S. Constitution and Congress. U.S. Const. art. III, § 2, cl. 1; *see*
3 *also Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). Federal
4 courts have original jurisdiction where an action arises under federal law, or where the
5 plaintiff's citizenship is diverse from each defendants' citizenship and the amount in
6 controversy exceeds \$75,000. 28 U.S.C. §§ 1331, 1332(a). Because Plaintiff does not
7 assert a federal claim pursuant to section 1331, only diversity citizenship under
8 section 1332(a) is at issue in this case.

9 Pursuant to section 1332(a), federal courts have subject matter jurisdiction over
10 cases between "citizens of different States," when the "matter in controversy exceeds
11 the sum or value of \$75,000." 28 U.S.C. § 1332(a). "The diversity jurisdiction
12 statute, as construed for nearly 200 years, requires that to bring a diversity case in
13 federal court against multiple defendants, each plaintiff must be diverse from each
14 defendant." *Lee v. Am. Nat. Ins. Co.*, 260 F.3d 997, 1004 (9th Cir. 2001).

15 Federal courts have an obligation to determine the existence of subject matter
16 jurisdiction, regardless of whether the parties raise the issue. *See Augustine v. United*
17 *States*, 704 F.2d 1074, 1077 (9th Cir. 1983). Federal Rule of Civil Procedure 12(h)(3)
18 requires that, "[i]f the court determines at any time that it lacks subject-matter
19 jurisdiction, the court must dismiss the action." Fed. R. Civ. P. 12(h)(3). Under Rule
20 12(h)(3), "a court may raise the question of subject matter jurisdiction, *sua sponte*, at
21 any time during the pendency of the action" *Snell v. Cleveland, Inc.*, 316 F.3d
22 822, 826 (9th Cir. 2002).

23 Plaintiff does not allege sufficient facts in the Complaint to allow the Court to
24 make a determination of whether there is complete diversity among the parties.
25 Plaintiff alleges that he is a citizen of the State of California and that Defendant
26 MERS is incorporated under the laws of, and has its principal place of business in, the
27 State of Virginia. (Compl. 3–4.) But, Plaintiff fails to allege the citizenship of Wells
28 Fargo or NBS. (*Id.*) Additionally, Plaintiff provides a California mailing address for

1 Wells Fargo. (*Id.* at 2.) If Wells Fargo is incorporated, or maintains its principal
2 place of business, in California, then it would be considered a California citizen for
3 jurisdictional purposes and there would not be complete diversity of the parties. *See*
4 28 U.S.C. § 1332(c) (providing that a corporation shall be deemed a citizen of every
5 State in which it has been incorporated or where it has its principal place of business);
6 *see also Am. Surety Co. v. Bank of Cal.*, 133 F.2d 160, 162 (9th Cir. 1943) (finding
7 that a national bank is a citizen of the state where it has its principal place of
8 business).

9 The Court **ORDERS** Plaintiff to **SHOW CAUSE**, in writing, no later than
10 **October 2, 2017**, why this Court should not dismiss this case for lack of subject
11 matter jurisdiction. Should Plaintiff wish to amend his Complaint in order to allege
12 facts sufficient to satisfy the requirements for federal subject matter jurisdiction, he
13 must do so no later than **October 2, 2017**.

14 Failure to timely respond to this Order may result in dismissal of this action
15 without further notice.

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17 **IT IS SO ORDERED.**

18
19 September 20, 2017

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22 **OTIS D. WRIGHT, II**
23 **UNITED STATES DISTRICT JUDGE**
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